

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Civil Action No. 4:18-CR-50
	§	
WAYNE ALAN WATSON (1)	§	


MEMORANDUM ADOPTING IN PART REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 30, 2019, the report of the Magistrate Judge (Dkt. #112) was entered, containing proposed findings of fact and recommendations that Petitioner Wayne Alan Watson’s “Motion for Rehearing on My Motion to Remove Counsel on Appeal” (Dkt. #108) and Motion to Appoint New Counsel (Dkt. #105) be transferred to the Fifth Circuit Court of Appeals for consideration and resolution. In support of the recommendation for transfer, the Magistrate Judge noted Petitioner had a pending letter Motion before the Fifth Circuit seeking similar relief—removal of Petitioner’s counsel and appointment of new counsel.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court in part. The undersigned agrees Petitioner’s requests are best addressed by the Fifth Circuit. However, on January 22, 2020, the Fifth Circuit issued an unpublished opinion affirming the district court’s judgment. *United States v. Watson*, No. 19-40153, 2020 WL 370049, at *1 (5th Cir. Jan. 22, 2020). Considering the Fifth Circuit’s determination on Petitioner’s appeal, Petitioner’s Motions before this Court are moot. Accordingly,

It is therefore **ORDERED** that Petitioner's Motions (Dkts. #105, 108) are **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this 20th day of March, 2020.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE